

17 KAR 4:030. Veterans' Service Organization Burial Honor Guard Program.

RELATES TO: KRS 40.360, 40.362, 40.364, 40.366, 10 U.S.C. 1491

STATUTORY AUTHORITY: KRS 40.360(3), 40.364(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 40.360(3) and 40.364(1) require the Kentucky Department of Veterans Affairs to promulgate administrative regulations to implement and administer the Veterans' Service Organization Burial Honor Guard Program. This administrative regulation establishes the requirements for the Veterans' Service Organization Burial Honor Guard Program.

Section 1. Definitions. (1) "Authorized provider" means a veterans' service organization or any other military or civilian organization that has been trained in rendering military funeral honors according to requirements established in 10 U.S.C. 1491.

(2) "Eligible veteran" means a person who:

(a)1.a. Has served the state and nation in the armed forces; and

b. Was discharged under other than dishonorable conditions, that is with an honorable or general under honorable conditions service characterization; or

2. At the time of death, was a member of the Selective Reserve or Kentucky National Guard;

(b) Was recently deceased, or cremated remains are being interred, or, if not recently deceased, the burial honors are being rendered for historical reasons; and

(c) Was never convicted of a federal or state capital offense.

(3) "Veterans' service organization" or "VSO" means an organization serving American veterans such as Veterans of Foreign Wars, AMVETS, Disabled American Veterans, Vietnam Veterans of America, and American Legion.

Section 2. Program Responsibilities. (1) The Kentucky Department of Veterans Affairs shall:

(a) Pay a stipend in the amount provided by subsection (2) of this section to the military burial honor guard detail supplied by the authorized provider for the military honors rendered by that detail; and

(b) Maintain a central repository for recording all data required by KDVA Form Veterans' Service Organization Request for Honors Stipend.

(2) The maximum amount of the stipend shall be sixty (60) dollars for each ceremony provided by the VSO. The stipend amount shall be determined as follows:

(a) For playing "Taps" on CD or other recording device, zero dollars;

(b) For having a live bugler or ceremonial bugler play the song "Taps", instead of using a CD or other recording device, ten (10) dollars;

(c) For folding and presenting the United States Flag with the song "Taps":

1. Played on CD, twenty-five (25) dollars; or

2. Performed by a live bugler or ceremonial bugler, thirty-five (35); or

(d) For folding and presenting the United States Flag with a rifle team, with a minimum of three (3) firers, with the song "Taps":

1. Played on CD or other pre-recorded device, fifty (50) dollars; or

2. Performed by a live bugler or ceremonial bugler, sixty (60) dollars.

(3) Authorized providers shall:

(a) Render military burial honors in accordance with the requirements established in 10 U.S.C. 1491;

(b) Require a flag folding ceremony as part of the military burial honors in which the United States flag is folded by the military burial honor guard;

(c) Ensure that the folded flag is presented during the ceremony to the deceased's next of kin or family representative by a member of the eligible veteran's own military service (USMC, USA, USAF, USN, U.S.C.G); and

(d) After each rendering of military burial honors, provide the Kentucky Department of Veterans Affairs a completed KDVA Form 01/04.

Section 3. To be eligible to receive a stipend, a veterans' service organization shall:

(1) Register as a state vendor and receive a state vendor number. Registration shall be completed online at www.eprocurement.ky.gov;

(2) Verify the veteran's service from the veteran's DD-214 form; and

(3) Not receive an honorarium, donation, or other payment from the funeral home or the veteran's family for the military burial honors provided for the veteran.

Section 4. Incorporation by Reference. (1) KDVA Form, Veterans' Service Organization Request for Honors Stipend, 11/06, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Veterans' Affairs, 1111B Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.(47 Ky.R. 601, 1191; eff. 3-2-2021.)